


5. In April through September, 2010, the incenses that appear to be prohibited by the Notice of Intent have accounted for approximately 41.27% of the store's gross profit for a total of \$394,689.


6. Over the last three months, October, November and December, 2010, the total herbal incense sales have been \$107,687, \$120,730 and \$110,000 respectively. The totals represent 43.81%, 50.81% and 40% of the store's total revenues.

7. If my business were to suffer an immediate loss in sales, it could not survive.

8. I execute this affidavit in support of the attached motion for preliminary injunction and temporary restraining order.


s/Scott Farrell
Scott Farrell

Sworn to and subscribed before me
this 22 day of December, 2010.


Notary Public

